

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

JAN 29 2013

David J. Bradley, Clerk

UNITED STATES OF AMERICA

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vs.

CRIMINAL NO. M-11-396-7

SANTOS ISIDRO DE LA PAZ

§

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

The Court has reviewed the Magistrate Judge's Report and Recommendation regarding Defendant Santos Isidro de la Paz's untimely notice of direct appeal from the criminal judgement (Dkt. Entry No. 293), and accompanying remand instructions from the Court of Appeals for the Fifth Circuit (Dkt. Entry No. 311). The Court is of the opinion that the conclusions in said Report and Recommendation should be adopted by this Court.

It is, therefore, **ORDERED, ADJUDGED, and DECREED** that the conclusions in the United States Magistrate Judge Dorina Ramos' Report and Recommendation entered on the 25th day of October, 2012, are hereby adopted by this Court.

FURTHER, the Court, having adopted the conclusions of the Report and Recommendation of United States Magistrate Judge Dorina Ramos, finds that Defendant has not shown good cause or excusable neglect to permit an extension under Rule 4(b)(4), and **DENIES** Defendant's motion to proceed IFP on appeal as moot. (Dkt. Entry Nos. 305; 309). The Court further **ORDERS** that this case be returned to the United States Court of Appeals for the Fifth Circuit for further action pursuant to the remand order. (Dkt. Entry No. 311 at 2).

The Clerk shall send a copy of this Order to all parties of record.

SIGNED at McAllen, Texas this 29th day of January 2013


Randy Crane
UNITED STATES DISTRICT JUDGE